

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAY 23 2007

JOHN F. CORCORAN, CLERK
BY: DEPUTY CLERK

Case Number:

7:07mJ 263


Signature of Judicial Officer

AFFIDAVIT

Your affiant, Russell A. Davidson III, being duly sworn and deposes says:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and as such I am an "investigative law enforcement officer" of the United States Government. I have been employed with ATF since July 2002 and I am presently assigned to the Roanoke, Virginia Field Office. I have successfully completed the Criminal Investigators Training Program and New Professional Training, ATF National Academy, held at the Federal Law Enforcement Training Center, Glynco, Georgia. Prior to this employment, I was employed as a sworn police officer for the City of Lynchburg, Virginia for eight years. During those eight years, I was assigned to the Vice/ Narcotics Unit responsible for conducting drug trafficking investigations. Since becoming an ATF Special Agent, I have conducted narcotics and firearms investigations involving large conspiracies. This aforementioned experience has given me the knowledge to recognize the methods used by criminal violators and individuals disposed to commit criminal offenses to conceal their overall criminal activities from law enforcement personnel and other persons.

2. The following information is provided in support of an Application and Affidavit for an Arrest Warrant for the person of Mark David Uhl, [REDACTED], social [REDACTED], who on 05/21/2007, unlawfully possessed a firearm which is not registered in the National Firearms Registration and Transfer Record. This affiant knows that pursuant to Title 26, United States Code, Section 5861 (d), that it is unlawful for any person to receive or possess a firearm, which is not registered to him in the National Firearms Registration and Transfer Record.

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This affiant knows that pursuant to Title 26, United States Code, Section 5845 (a) that the term "firearm" means...(8) a destructive device.

This affiant knows that pursuant to Title 26, United States Code, Section 5845 (f) that the term "Destructive Device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile, having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device... This information is based on my personal knowledge, observations, conversations, and the participation of the Campbell County Sheriffs Office, located in Rustburg, Virginia as set forth herein.

3. On 05/21/2007 Campbell County Sheriffs Office Deputy Funderberk was dispatched to 22618 Timberlake Road in reference to possible explosive devices contained inside the trunk of the vehicle (VA Tags KCJ-5196) which was registered to Mark David Uhl.

Deputy Funderberk opened the trunk and could smell the odor of gas and observed a round metal cookie tin which contained five red cylindrical objects with what appeared to have fuses protruding from the red objects, and a red canister of gas. The Virginia State Police (VSP) Bomb Squad was notified along with Campbell County Sheriffs Office Investigator Dwayne Wade. The VSP Special Agent Bomb Technicians J.A. Kent and Robert Henderson responded and made a preliminary determination that the red objects located in Uhl's vehicle were devices consisting of a mixture of gasoline, oil, and Styrofoam. The VSP agents explained when all parts of the mixture are combined it forms into a sticky gel substance, and when ignited the objects could possibly explode. The VSP Agents described the objects as being a home made napalm explosive device.

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During the search of the vehicle a duffle bag was located in the trunk which contained nails, flashlights, assorted tools, bottles of Tabasco sauce, a roll of red duct tape. Also in the trunk was a brown t-shirt which appeared to be cut and was similar in color to the wicks located in the red devices.

4. Campbell County Sheriffs Office Investigator Dwayne Wade interviewed Uhl in reference to the devices located in the trunk of his vehicle. Uhl advised there were four to five napalm's in the trunk of his car. When Investigator Wade asked Uhl what Napalm was Uhl explained it was a tin can with the top cut off filled with Styrofoam, gasoline and oil. It was then sealed with tape and a wick in the can. Uhl explained the devices were safe unless it was ignited using some type of lighter or chlorine tablets. Uhl advised he learned about the napalm devices from the Anarchist Cookbook. Uhl advised he made the napalm devices while in Northern Virginia approximately two and half weeks ago. Uhl stated the devices were made from items that were located in the trunk of his vehicle. The Styrofoam came from a George Foreman grill box, the gas came from a can he had in the trunk of his vehicle for emergencies and the other items came from the trunk. Uhl advised after making the devices he placed them in his trunk and kept them there. Uhl advised the nails that were located in the trunk were being used as shrapnel and that one of the devices actually contained nails inside of it. Uhl advised he was going to set the devices off in a field and run. Uhl stated he knew it was wrong to have the Napalm and he did not want to hurt anyone.

5. On 05/23/2007 Virginia State Police Special Agent Bomb Technician J.A. Kent conducted a field test on the liquid substance and wicks located in the devices. S/A Kent advised both materials were exposed to an open flame and both ignited. S/A Davidson

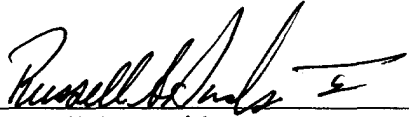
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then contacted the Alcohol, Tobacco, Firearms and Explosives (ATF) Explosives Technology Branch and spoke with Michael Eldredge. S/A Davidson explained that both the wicks and the liquid substance found in the devices were field tested and both ignited when exposed to an open flame. Eldredge advised based on the description of the devices and the field test performed he verbally concluded the devices were incendiary destructive devices.

6. Based on knowledge training, and experience, the information set forth above in this Affidavit constitutes supportive evidence:

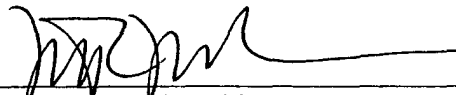
7. That Mark David Uhl, unlawfully possessed a firearm which is not registered in the National Firearms Registration and Transfer Record in violation of Title 26, U.S.C. Section 5861(d).

8. That, the aforelisted violations took place in and around Campbell County, Virginia, in the Western District of Virginia.



Russell A. Davidson
Special Agent

Subscribed and sworn before me
This 23rd day of May, 2007.



Michael F. Urbanski
U.S. Magistrate Judge